

Edlund-Cho, Galen

From: Inge Anderson <inge.t.anderson@gmail.com>
Sent: Wednesday, December 11, 2019 3:59 PM
To: Examiner, Hearing; Edlund-Cho, Galen; Graves, David
Subject: Grievance and objections to December 11, 2019 letter OHE W-19-004

CAUTION: External Email

Appellant has received the letter of OHE per email on December 11, 2019, and responds as follows:

Per issue 1, untimely and improperly filing of exhibits and witness lists

2.05 FILING AND SERVICE OF DOCUMENTS (a) Documents may be filed with the Hearing Examiner in hard copy, in electronic format through the e-File page of the Hearing Examiner's website (www.seattle.gov/examiner) or, subject to Rule 2.05(c), **by electronic facsimile.**

It seems rather arbitrary for the OHE to send out a letter on December 11, 2019, days before the hearing to complain that both parties did not file their exhibits timely or proper: "The OHE does not accept email filing of case materials." If service may be made by email; Electronic facsimile IS Email. IF materials are not accepted with email, the OHE should have made that known to parties, when parties submitted their materials, not complain about it in a letter days before the hearing. The OHE could have contacted parties and informed them, but the OHE rather complaints.

BOTH parties did absolutely nothing wrong submitting their materials per email. The OHE can not receive the filings, refuse to file them into the record and then just say that confirmation of filing is not required. It is not a courtesy, it is required.

On the e-filing into the OHE e-file system;

Appellant has an account, who has logged in, however, Appellant does not appear to have an open case. this makes it really hard to e-file anything.

Provided a self-help page, shows that the page is not available. Please note the address webpage!

Or even the FAQ's is not available. please note the address!

So, telling a party that they were untimely and improper while filing, while the possibilities are severely limited or even impossible seems quite wrong. Especially since the OHE's intent is to make the process more approachable to the general public.

Furthermore, nothing, not the Rules of OHE nor the Guide provides that exhibits HAVE to be filed BEFORE the hearing. The fact that both parties tried to do so, lets the OHE know that parties' are taking this seriously. IF a mistake was made, it was done by the OHE for ignoring the extending of the deadlines for identifying exhibits. Parties received a continuance based on Appellees lack of information made available to the public, as he had no information. Well, information is becoming available. For the OHE to decide that this is now untimely, the OHE may, on motion from the parties, or on its own, extent deadlines.

Per issue 5, Subpoena for Witnesses.

As found in "Public Guide revised 2018"; Page 7

What are "motions" and "orders"?

A "motion" is a **request**, a way of asking the Hearing Examiner for something. **You do not need to call your requests "motions"**. For example, if you were going to be out of town on the scheduled hearing date, **you could write to the Hearing Examiner and state:** "I will be out of town on the date scheduled for the hearing, so I request that you change the date to sometime after July 9th." A lawyer might submit a "Motion for Continuance" with the same information, which is just a different way of saying the same thing. **Either approach is acceptable.** A motion, or request, should tell the Hearing Examiner all the relevant facts, and include any argument that helps support your request.

As to the person to direct my request, Appellant directed the request to Mr. Edlund-Cho, who has been really unfriendly and extremely vague, in his ability to explain and he has been inadequate to translate this request in something that he needed to do. Mr. Edlund-Cho is the point of contact, Appellant contacted Mr. Edlund-Cho. No other directions have been given. On July 29, 2019, Mr. Edlund-Cho wrote: "Yes, going forward I will be the point of contact."

Edlund-Cho, Galen <Galen.Edlund-Cho@seattle.gov> Mon, Jul 29, 8:26 AM ☆ ↩ ⋮
to me ▾
Hello, again.

Yes, going forward I will be the point of contact.

Following OHE own Guide;

On **November 27, 2019**, Appellant wrote to the Hearing Examiner Office: "Appellant is asking to make David Graves and Emily Griffith available for the hearing as witnesses."

While the letter, of December 11, 2019, indicates that "It is wholly unclear from this statement whether it is directed to the OHE or the Respondent." The email was sent to the OHE, using the only identified point of contact, in a WRITTEN request, not only in a document, but in the email body itself, as the first line of the message. If an email is sent to the OHE, using the only point of contact, having a written request, per OHE Guide, then Appellant did exactly what she was supposed to do.

On **December 9, 2019**, Appellant wrote: "In the alternative, and with regards for the Hearing Examiners calendar; Appellant requests a Court Order for both witnesses, David Graves and Emily Griffith, to appear at the hearing." Again, the email was sent to the OHE, using the only identified point of contact, in a WRITTEN request, not only in a document, but in the email body itself, as the first line of the message. If an email is sent to the OHE, using the only point of contact, having a written request, per OHE Guide, then Appellant did exactly what she was supposed to do.

It seems that now, days before the hearing, suddenly, the rules are changing?

"Given the late date for the clarification by the Appellant as to her intent, and ongoing failure to file a motion for a subpoena, the Hearing Examiner declines to issue a subpoena or other related order."

Appellant has "motioned" the OHE on November 27, 2019 AND on December 9, 2019, per OHE Guide and Rules. There is no prejudice against Appellee to receive an Order to make his employee Emily Griffith available at the hearing. If the OHE did not "understand" Appellant's intent, they could have called and ask! The OHE surely now understands Appellant's intent and should act accordingly.

Sincerely,

Inge Anderson
(202) 695-0448

On Wed, Dec 11, 2019 at 1:20 PM Examiner, Hearing <Hearing.Examiner@seattle.gov> wrote:

Please see attached letter. Thank you.